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10/517,642	10/07/2005	Hans Jorgen Dalum	378/9-2008	3059

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

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05/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,642

Applicant(s)

DALUM, HANS JORGEN

Examiner

MICHAEL P. FERGUSON

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-13 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson (US 4,135,372).

As to claim 11, Benson discloses a rotatable link comprising:

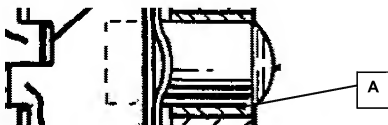
a pipe **40** having a rim **56,58** including a pair of opposed openings therein,

two first objects **A** (pair of bearings **A**; Figure 3 reprinted below with annotations), each having a bore **48,50**,

a second object **20,22,12** having a bore **32,34**, and,

an attachment means **36,38** extending through said bores and assembling, in order, one of the first objects, the second object and the other first object into a unit, the two first objects being secured to the pipe within the openings in the rim of the pipe, the pipe providing a mechanical tension which is transferred as compressive forces in the longitudinal direction of the attachment means to the second object (spring washers **44,46** exert a compressive force on second object **20,22**. Clearly, an opposing tension force must exist within material of pipe rim **56,58** in order to provide a resistance force to enable such relative compression force), the second object forming a link part

rotatable relative to the two first objects, having an axis of rotation along the longitudinal axis of the attachment means (Figures 1-3).



As to claim 12, Benson discloses a rotatable link comprising:

one or more pairs of apertured discs **44,46,59,60**, each respective apertured disc of each pair of apertured discs being disposed on a respective side of the second object **20,22,12** between the second object and one of the first objects **A**, the attachment means **36,38** extending through a hole in the apertured discs (Figure 3).

As to claim 13, Benson discloses a rotatable link wherein two or more pairs of apertured discs **44,46,59,60** are provided (Figure 3).

As to claim 16, Benson discloses a rotatable link wherein the apertured discs **44,46,59,60** are made of a material selected from the group consisting of plastics, metals, brass and steel (spring washers **44,46** are inherently made from spring metal; column 2 lines 40-44).

As to claim 17, Benson discloses a rotatable link comprising a plate **20** secured on the rotatable link part **20,22,12**, the plate and rotatable link part forming a rotatable upright (Figure 1).

As to claim 18, Benson discloses a rotatable link comprising a handle **16,18** secured to the plate **20,22** (Figure 1).

As to claim 19, Benson discloses a rotatable link comprising a rod **42**, the pipe **40** being mounted along the rod, a longitudinal direction of the pipe being essentially parallel to a longitudinal direction of the rod (Figure 2).

As to claim 20, Benson discloses a rotatable link comprising a rod, said pipe being mounted along said rod, a longitudinal direction of the pipe being essentially parallel to a longitudinal direction of the rod (Figure 2).

As to claim 21, Benson discloses a method of manufacturing a rotatable link comprising:

assembling a unit consisting of two first objects **A**, each having a bore, a second object **20,22,12** having a bore, and an attachment means **36,38**, by passing the attachment means through said bores, in order, assembling one of the first objects, the second object and the other first object, securing the unit within a pair of opposed openings provided in a rim **56,58** of a pipe **40**, providing a mechanical tension in the pipe which is transferred as compressive forces in a longitudinal direction of the attachment means to the second object (spring washers **44,46** exert a compressive force on second object **20,22**. Clearly, an opposing tension force must exist within material of pipe rim **56,58** in order to provide a resistance force to enable such relative compression force), the second object forming a link part rotatable relative to the two first objects and having an axis of rotation along the longitudinal axis of the attachment means (Figures 1-3).

As to claim 22, Benson discloses a method comprising providing one or more pairs of apertured discs **44,46,59,60**, and, disposing each respective apertured disc of

Art Unit: 3679

each pair of apertured discs on a respective side of the second object **20,22,12** between the second object and one of the first objects **A**, the attachment means extending through a hole in the apertured discs (Figure 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson.

As to claims 14 and 15, Benson discloses a rotatable link wherein two pairs of apertured disks **44,46,59,60** are provided (Figure 3). Benson fails to disclose a rotatable link wherein four pairs of apertured disks are provided. Benson does not disclose any structural or functional significance as to the specific number of pairs of apertured disks.

Applicant is reminded that duplicating the components of a prior art device, wherein there is no structural or functional significance as to the specific number of a component, is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rotatable link disclosed by Benson to include a third and fourth pair of apertured disks as Benson does not disclose any structural or functional significance as to the specific number of

pairs of apertured disks, and as such duplication of components is a design consideration within the skill of the art which would yield expected and predictable results.

Response to Arguments

5. Applicant's arguments with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The newly added limitations of "a pipe (2) having a rim including a pair of opposed openings therein... the two first objects (3) being secured to the pipe (2) within the openings in the rim (6) of the pipe (2)" in claim 11 (lines 2-7) and "securing the unit (71) within a pair of opposed openings provided in a rim of a pipe" in claim 21 (line 5) necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
05/15/08

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679